

1 **QUINN EMANUEL URQUHART & SULLIVAN, LLP**
Stephen A. Swedlow (admitted *pro hac vice*)
2 stephenswedlow@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
3 Chicago, IL 60606
(312) 705-7400

4 *Interim Co-Lead Consumer Class Counsel*

5 [Additional counsel listed on signature page]

6 **UNITED STATES DISTRICT COURT**
7
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10 MAXIMILIAN KLEIN, et al.,

11 Plaintiffs,

12 vs.

13 META PLATFORMS, INC.,

14 Defendant.

15 This Document Relates To: All Actions
16

Consolidated Case No. 3:20-cv-08570-JD

17 **CONSUMER PLAINTIFFS' MOTION**
18 **FOR ADMINISTRATIVE RELIEF**
19 **PURSUANT TO N.D. CAL. CIVIL L.R. 7-11**
20 **REGARDING SUBSTITUTION OF**
21 **INTERIM CO-LEAD CONSUMER CLASS**
22 **COUNSEL**

23 The Hon. James Donato
24
25
26
27
28

NOTICE OF MOTION AND MOTION FOR SUBSTITUTION OF
INTERIM CO-LEAD CONSUMER CLASS COUNSEL

Pursuant to N.D. Cal. Civil Local Rule 7-11, Consumer Plaintiffs (“Consumers”) submit this Motion for Administrative Relief to seek an amendment to the Court’s March 18, 2021 Order Appointing Interim Class Counsel and Plaintiffs’ Executive Committees (Dkt. 73). Consumers seek to have Kevin Y. Teruya of Quinn Emanuel Urquhart & Sullivan, LLP substituted for Stephen A. Swedlow—also of Quinn Emanuel—as Interim Co-Lead Consumer Class Counsel. This Motion is based on this Notice, the declaration of Kevin Y. Teruya submitted with this Motion, and the Proposed Order filed with this Motion. Hagens Berman Sobol Shapiro LLP and Lockridge Grindal Nauen P.L.L.P. would like the opportunity to respond to this Motion.

Mr. Swedlow wishes to resign his appointment and substitute Mr. Teruya as Interim Co-Lead Consumer Class Counsel because Mr. Swedlow is to become a judge of the Circuit Court of Cook County, Illinois, at the end of this year. Mr. Swedlow plans to withdraw his appearance prior to his investiture as a judge and supports Mr. Teruya’s substitution. Mr. Teruya has co-managed—along with Mr. Swedlow—Quinn Emanuel’s efforts in the *Klein* litigation, and Mr. Teruya has taken an active, day-to-day role in the *Klein* litigation since it was filed. The other Quinn Emanuel attorneys that have assisted Mr. Swedlow and Mr. Teruya throughout this litigation would also continue work on this case on behalf of Quinn Emanuel and Consumers. Quinn Emanuel’s overall personnel and financial resources, and its experiences in antitrust cases and class actions, all would remain available to Consumers and the Consumer Class as well.

Mr. Teruya is a partner in Quinn Emanuel’s Los Angeles office and specializes in complex business litigation, including, in particular, antitrust and unfair competition matters. Mr. Teruya has been recognized as a “Super Lawyer” by *Southern California Super Lawyer* for years and one of the 500 leading plaintiff financial lawyers by *Lawdragon*. Mr. Teruya has served as an officer of the Executive Committee of the Antitrust & Unfair Competition Law Section of the State Bar of California, an officer of the Executive Committee of the Antitrust Section of the Los Angeles County Bar Association, and as a member of the editorial board for the annual “California Antitrust and Unfair Competition Law” treatise. He has successfully litigated numerous antitrust cases on

1 behalf of plaintiffs and defendants in state and federal courts in California and other states across
 2 the country, including in the Northern District of California. For example, Mr. Teruya was a lead
 3 member of the team in Quinn Emanuel’s prior antitrust lawsuit against Facebook on behalf of Social
 4 Ranger LLC—wherein Quinn Emanuel and its co-counsel successfully compelled the deposition of
 5 Facebook founder Mark Zuckerberg—which was resolved shortly before trial in 2017.¹ Mr. Teruya
 6 is a graduate of Harvard Law School and Harvard College, and he previously served as a law clerk
 7 to the Honorable Herbert Y.C. Choy of the United States Court of Appeals for the Ninth Circuit.

8 For the foregoing reasons, Consumers respectfully request that the Court modify the
 9 Appointment Order to substitute Kevin Y. Teruya (of Quinn Emanuel) for Stephen A. Swedlow
 10 (also of Quinn Emanuel) as Interim Co-Lead Consumer Class Counsel.

11
 12
 13
 14
 15
 16
 17
 18
 19
 20

 21 ¹ Mr. Teruya’s other antitrust cases include, for example: *Rambus Inc. v. Micron Technology Inc.*
 22 *et al*, Case No. CGC-04-431105 (San Francisco Super. Ct.) (obtained defense verdict after three-
 23 month jury trial where plaintiff sought \$12 billion in damages after trebling); *Polyurethane Foam*
 24 *Antitrust Litig.*, Case No. 10-md-02196 (N.D. Ohio) (obtained more than \$430 million in
 25 settlements); *Complete Entertainment Resources LLC v. Live Nation Entertainment, Inc. et al.*, Case
 26 No. 2:15-cv-09814 (C.D. Cal.) (obtained \$110 million in settlement, plus confidential sum for asset
 27 sale); *Jones et al v. PGA Tour, Inc.*, Case No. 5:22-cv-04486-BLF (N.D. Cal.) (representing
 28 plaintiffs); *FCA US LLC v. Yazaki Corp. et al*, Case No. 2:17-cv-14138 (E.D. Mich.) (representing
 plaintiff; resolved after summary judgment briefing); *In re German Automotive Manufacturers*
Antitrust Litig., Case No. 3:17-md-02796-CRB (N.D. Cal.) (obtained dismissal with prejudice);
Ashton Woods Holdings L.L.C. et al v. USG Corp. et al, Case No. 4:15-cv-01247-HSG (N.D. Cal.)
 (representing plaintiffs; resolved shortly before trial); *In re Cathode Ray Tube Antitrust Litig.*, Case
 No. 07-cv-05944-JST (N.D. Cal.) (representing defendants); *Intuit Inc. et al v. Visa Inc. et al*, Case
 No. 1:21-cv-01175-MKB (E.D.N.Y.) (representing plaintiffs); and *Calabasas Luxury Motorcars,*
Inc. v. General Motors LLC et al, Case No. 2:21-cv-09566-TJH (C.D. Cal.) (obtained dismissal
 without prejudice). Further descriptions of Mr. Teruya’s representative matters are contained in Mr.
 Teruya’s declaration.

1 DATED: November 23, 2022

Respectfully submitted,

2
3 By: /s/ Stephen A. Swedlow
QUINN EMANUEL URQUHART & SULLIVAN,
LLP

4 Stephen A. Swedlow (*pro hac vice*)
stephenswedlow@quinnemanuel.com
5 Michelle Schmit
michellesschmit@quinnemanuel.com
6 191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
7 Telephone: (312) 705-7400

8 Kevin Y. Teruya (Bar No. 235916)
kevinteruya@quinnemanuel.com
9 Adam B. Wolfson (Bar No. 262125)
adamwolfson@quinnemanuel.com
10 Brantley I. Pepperman (Bar No. 322057)
brantleypepperman@quinnemanuel.com
11 865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
12 Telephone: (213) 443-3000

13 Manisha M. Sheth (*pro hac vice*)
manishasheth@quinnemanuel.com
14 51 Madison Avenue, 22nd Floor
New York, New York 10010
15 Telephone: (212) 849-7000

16 *Interim Co-Lead Counsel for the Consumer*
17 *Class*

